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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SMITH, CHAD

ART UNIT

PAPER NUMBER

2874

MAIL DATE

DELIVERY MODE

10/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,521	Applicant(s) LAURISCH ET AL.	
	Examiner Chad H. Smith	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed with respect to claims 13 – 20 have been fully considered but they are not persuasive. Xin does in fact teach pivoting as noted by paragraph 0019 as it states that the trays or tray frameworks may slide pivot or both. As noted in paragraph 0024 item 103 is part of the framework and as noted by paragraph 0019 as sliding is not limiting as it can be pivoting and affirmed as being part of the framework as noted by paragraph 0029.

Allowable Subject Matter

Claims 1 – 12 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fails to disclose or render obvious the mounting panel being arranged to pivot on the cassette mount about a pivot axis; wherein the pivot axis of the mounting panel is substantially parallel to a plug-in direction of the first group of couplings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

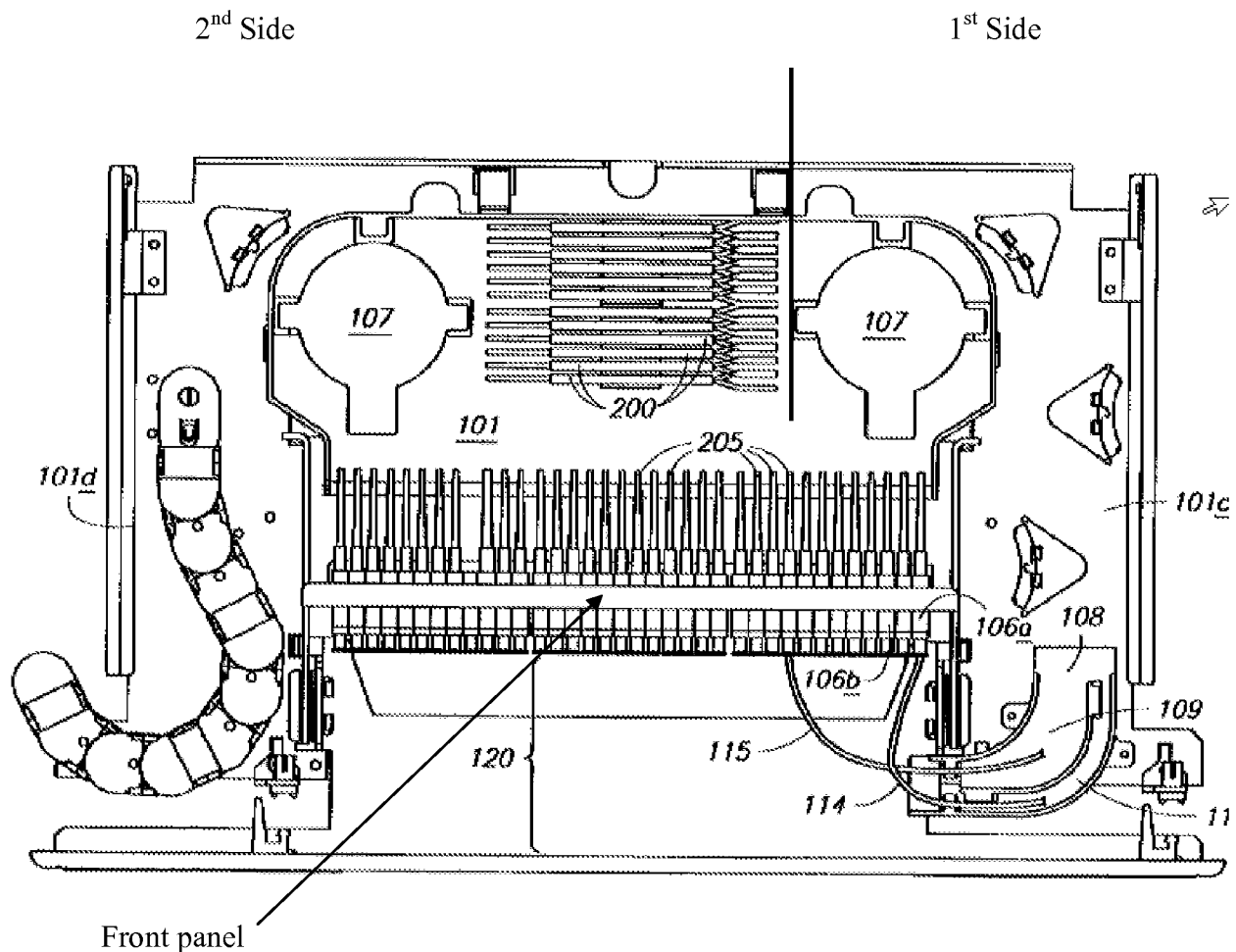
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xin et al. (U.S. PG Pub. # 2002/0181922 A1).

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In Re claim 13, '922 teaches a fiber coupler module comprising: a cassette mount having a first side and an opposite, second side, the first side of the cassette mount defining a storage area configured to receive spare lengths of fibers (107); a mounting panel (103) pivotally coupled to the cassette mount (par. 0019), the mounting panel being configured to pivot from a first position covering the storage area to a second position providing access to the storage area (par. 0034), the mounting panel being configured to support a first plurality of couplings (139), each coupling of the first plurality being configured to receive a plug at each of a first end and a second end (par. 0021 as 139 are the same adapters as 105 and 106); a front panel coupled to the cassette mount (fig. below), the front panel being configured to support a second plurality of couplings (105 and 106), each coupling of the second plurality being configured to receive a plug at each of a first end and a second end (par. 0021); a splitter coupled to the second side of the cassette mount (200), the splitter configured to receive fibers routed from the second end of at least one of the couplings of the first plurality, the splitter also configured to output at least two fibers to the first ends of at least two of the couplings of the second plurality (par. 0021 and par. 0026, figs. 2 and 5). Furthermore, '922 teaches routing the optical fibers as appropriate to fit the need of the user (par. 0042). However, '922 is silent to the fiber being composed of glass and a first fiber extending from the second end of one of the couplings of the first plurality, the first fiber being routed to the first end of a first of the couplings of the second plurality; a second fiber extending from the second end of one of the couplings of the first plurality, the second fiber being routed to the splitter; a third fiber extending from the splitter to the first end of a second of the couplings of the second plurality; and a fourth fiber extending from the splitter to the first end of a third of the couplings of the second plurality.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use glass optical fiber due to its common use in industry and would yield predictable results as glass possesses low optical signal attenuation and furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to route the optical fibers from the first group of couplings to the second group of couplings and the splitter and from the splitter to the second group of couplings as specified above because Applicant has not disclosed that routing the previously mentioned configuration provides an advantage, is used for a particular purpose, or solves a stated problem.

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Furthermore, one of ordinary skill in the art would have realized at the time the invention was made to split an incoming signal for cost effective purposes in duplication of a signal and furthermore, connecting a fiber from one terminal directly to another terminal straight through efficiently shields the cable from signal degradation. Therefore, it would have been an obvious matter of design choice to modify '922 to obtain the invention as specified in claim 13. *KSR v. Teleflex*, 127 S.Ct. 1727 (2007).

In Re claims 14 and 15, '922 teaches wherein all of the couplings in the first plurality are arranged in a row and wherein all of the couplings in the second plurality are arranged in a row (fig. 2).

In Re claim 16, '922 teaches spools (107).

In Re claim 17, '922 teaches wherein cable ducts are arranged on opposite sides of the mounting panel (109 and 111).

In Re claim 18, '922 teaches wherein the cassette mount is at least as wide as the mounting panel including the cable ducts (fig. 2).

In Re claim 19, '922 teaches wherein the mounting panel is configured to be locked into the first position (par. 0033 and 0034).

In Re claim 20, '922 teaches further comprising V- shaped extensions extending from the mounting panel (fig. 5, the tabs located at either side of 103).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad H. Smith whose telephone number is (571) 270-1294. The examiner can normally be reached on Monday-Thursday 7:00 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chad H Smith/
Examiner, Art Unit 2874

/Sung H. Pak/
Primary Examiner, Art Unit 2874